

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil No: 1:12-cv-333

<b>KENNETH L. HUNTER, RICK</b>	)	<b>PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT</b>
<b>A. DONATHAN, AND JERRY D.</b>	)	
<b>MEDLIN,</b>	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>TOWN OF MOCKSVILLE,</b>	)	
<b>NORTH CAROLINA; ROBERT</b>	)	
<b>W. COOK, in his official capacity</b>	)	
<b>as Administrative Chief of Police of</b>	)	
<b>the Mocksville Police Department</b>	)	
<b>and in his individual capacity;</b>	)	
<b>CHRISTINE BRALLEY, in her</b>	)	
<b>official capacity as Town Manager</b>	)	
<b>of the Town of Mocksville and in</b>	)	
<b>her individual capacity,</b>	)	
<b>Defendants.</b>	)	

---

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, plaintiffs hereby respond to Defendants' Motion for Summary Judgment, and respectfully request that this Court deny defendants' motion on the grounds that there are genuine issues of material fact requiring jury determination, and defendants are not entitled to judgment as a matter of law. Plaintiffs have filed their memorandum and exhibits in support of their response.

This the 8<sup>th</sup> day of July, 2013.

/s/ Robert M. Elliot  
Robert M. Elliot (7709)  
Attorney for Plaintiffs  
Elliot Morgan Parsonage PA  
426 Old Salem Road  
Winston-Salem, NC 27101  
Telephone: 336-724-2828  
Facsimile: 336-724-3335  
E-Mail: [rmelliot@emplawfirm.com](mailto:rmelliot@emplawfirm.com)

## **CERTIFICATE OF SERVICE**

I hereby certify that on July 8, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel for defendants:

Patrick H. Flanagan  
Cranfill Sumner & Hartzog, LLP  
2907 Providence Road, Suite 200  
Charlotte, North Carolina 28211  
Email: [phf@cshlaw.com](mailto:phf@cshlaw.com)

Philip M. Van Hoy  
Van Hoy, Reutlinger, Adams & Dunn  
737 East Boulevard  
Charlotte, NC 28203  
Email: [phil.vanhoy@vradlaw.com](mailto:phil.vanhoy@vradlaw.com)

/s/ Robert M. Elliot  
Robert M. Elliot (7709)  
Attorney for Plaintiffs  
Elliot Morgan Parsonage PA  
426 Old Salem Road  
Winston-Salem, NC 27101  
Telephone: (336) 724-2828  
Facsimile: (336) 724-3335  
E-mail: [rmelliot@emplawfirm.com](mailto:rmelliot@emplawfirm.com)